

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>MICHAEL JOHN PISKANIN,</b>	:	<b>CIVIL ACTION NO. 1:12-CV-909</b>
<b>Plaintiff</b>	:	
	:	<b>(Judge Conner)</b>
<b>v.</b>	:	
	:	
<b>FEDERAL BUREAU OF</b>	:	
<b>INVESTIGATION AND DIRECTOR</b>	:	
<b>OF U.S. DEPARTMENT OF JUSTICE</b>	:	
<b>AND ATTORNEY GENERAL, ERIC</b>	:	
<b>HOLDER,</b>	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 13th day of September, 2012, upon consideration of the Report and Recommendation of United States Magistrate Judge Malachy E. Mannion (Doc. 10), recommending that plaintiff's motion to proceed *in forma pauperis* (Doc. 3) be denied and plaintiff's complaint (Doc. 1) be dismissed, and, following an independent review of the record and noting that plaintiff filed objections<sup>1</sup> to the report on August 20, 2012 (Doc. 11), and the court finding

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<sup>1</sup> Where objections to a magistrate judge's report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. Supinski v. United Parcel Serv., Civ. A. No. 06-0793, 2009 WL 113796, at \*3 (M.D. Pa. Jan. 16, 2009) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). "In this regard, Local Rule of Court 72.3 requires 'written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.'" Id. (citing Shields v. Astrue, Civ. A. No. 07-417, 2008 WL 4186951, at \*6 (M.D. Pa. Sept. 8, 2008)).

plaintiff's objections to be without merit and squarely addressed by Judge

Mannion's report<sup>2</sup> (Doc. 10), it is hereby ORDERED that:

1. The Report and Recommendation of Magistrate Judge Mannion (Doc. 10) are ADOPTED.
2. Plaintiff's motions to proceed *in forma pauperis* (Docs. 3, 7) are DENIED. 28 U.S.C. § 1915(g).
3. Plaintiff's *in forma pauperis* complaint (Doc. 1) and petition for emergency relief (Doc. 2) are DISMISSED.
4. The Clerk of Court is directed to CLOSE this case.
5. Any appeal from this order is DEEMED frivolous and not in good faith. See 28 U.S.C. § 1915(a)(3).

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge

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<sup>2</sup>Plaintiff's objections include an allegation of false representation on the part of Judge Mannion for the following statement: "Although he alleges that he is in danger as a former federal law enforcement operative, these allegations have previously been proven false. Piskanin v. Banach, et al., 2008 WL 5246165 (E.D. Pa. 2008)." The court notes that the statement is merely dictum and immaterial to Judge Mannion's *ratio decidendi*, and therefore declines to address the objection. The court further notes that the cited case was dismissed for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).